

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

SAMANTHA O'NEIL,

Plaintiff,

v.

**HAMILTON COLLEGE; KAREN LEACH;
ROGER WAKEMAN; LUCY BURKE;
NATHAN GOODALE; JEFF LANDRY; LISA
MAGNARELLI; TERRY MARTINEZ;
ADINA MUJIC; JOE SHELLEY; STEVE
STEMKOSKI; CAZ ULLEM; DAVID
WIPPMAN,**

Defendants.

**PARTIAL STIPULATION
OF DISMISSAL**

Civil Action Number:

6:23-cv-1254

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for all the parties to the above entitled action, pursuant to FRCP 41, that whereas no party hereto is an infant or incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of the action, the above **DEFENDANTS KAREN LEACH, ROGER WAKEMAN, LUCY BURKE, NATHAN GOODALE, JEFF LANDRY, LISA MAGNARELLI, TERRY MARTINEZ, ADINA MUJIC, JOE SHELLEY, STEVE STEMKOSKI, CAZ ULLEM, and DAVID WIPPMAN** [hereafter referred to as the "individual Defendants"] be, and the same hereby is **discontinued and dismissed with prejudice**, each party to bear its own costs, including but not limited to attorney's fees. This stipulation may be filed without further notice with the Clerk of the Court.

IT IS HEREBY FURTHER STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for all the parties to the above-entitled action, that **DEFENDANT HAMILTON COLLEGE** will use its best efforts to produce any of the

individual Defendants for depositions and/or at trial solely on notice without a subpoena and the accompanying fees.

IT IS HEREBY FURTHER STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for all the parties to the above-entitled action, that **DEFENDANT HAMILTON COLLEGE** takes the position that at all times relevant to the Complaint filed in this matter all of the individual Defendants acted within the scope of their employment with Defendant Hamilton College and acted to advance its interests.

IT IS HEREBY FURTHER STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for all the parties to the above-entitled action, that **DEFENDANT HAMILTON COLLEGE** forfeits and agrees not to raise any evidentiary objections it may have gained by the dismissal of the individual Defendants from this action.

Dated: January 17, 2024

/s/Zachary C. Oren

Zachary C. Oren, Esq.
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Dated: January 17, 2024

/s/Suzanne M. Messer

Suzanne M. Messer, Esq.
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IT IS SO ORDERED:


David N. Hurd
U.S. District Judge

Dated: 01-18-2024